

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES,

V.

Crim. No. 1:09cr463
The Hon. Anthony Trenga

Adolfo Amaya-Portillo,
Defendant.

DEFENDANT'S MOTION TO PRECLUDE EVIDENCE
PERTAINING TO OR MENTION OF MS-13

COMES NOW, Defendant Adolfo Amaya-Portillo, by and through counsel, and moves this Court pursuant to Fed. R. Evid. 403 to preclude any mention of MS-13 to the jury or the submission of any evidence pertinent to MS-13.

Defendant's alleged membership in MS-13 is not an element of any of the crimes charged. Any probative value attached to his alleged connection to MS-13 or any alleged role of MS-13 in the charged events is more than outweighed by the undue prejudice which would flow from adducing such connection to the jury.

Respectfully Submitted,

ADOLFO AMAYA-PORTILLO
By Counsel

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Certificate of Service

I hereby certify that on February 18, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system with consequent service on counsel for all parties.

/s/
John C. Kiyonaga